

# COUNCIL OF THE COUNTY OF MAUI

## A G E N D A

Regular Meeting of January 21, 2022  
9:00 a.m.

### Meeting Site:

Online only via BlueJeans link <https://maui.bluejeans.com/295235670>  
Courtesy Live Broadcast: Akaku: Maui Community Media, Channel 53

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>  
e-mail: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

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OFFICE OF THE  
COUNTY CLERK

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### ORAL OR WRITTEN TESTIMONY

Oral or written testimony on any agenda item will be accepted. Each testifier shall be allowed to speak for up to three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, the testifier may be allowed one minute to conclude the testimony on the item. The time limits for testimony at a Council meeting may be modified, if the modification is initiated by the presiding officer and approved by a majority of the Council; provided that a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.

Individuals may provide oral testimony by phone or video conference. To join the meeting by phone, call 1-408-317-9253 and input meeting code 295235670. To join by video conference, use the following link: <https://maui.bluejeans.com/295235670>.

Testifiers will be asked to disconnect from the video conference meeting once their testimony has concluded. Once the testimony period has closed, only the Councilmembers, staff, and designated resource persons will be connected to the video conference meeting. All other individuals will be disconnected. Individuals wanting to view the remainder of the meeting may do so on Akaku Channel 53 or at <https://mauicounty.legistar.com>. Individuals may be disconnected from the meeting for breaking decorum.

Written testimony may be submitted by e-mail to [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us), by fax to (808) 270-7171, or to the Office of the County Clerk, 200 South High Street, Suite 708, Wailuku, Hawaii, 96793. Written testimony must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

If the connection between any testifier and the video conference is lost, the meeting will still continue.

Members of the public interested in information about offering testimony on an agenda item may contact the Office of the County Clerk ((808) 270-7748) prior to the meeting.

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A. ROLL CALL

B. OPENING REMARKS: COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ

C. PLEDGE OF ALLEGIANCE

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D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. 22-7 "RECOGNIZING FEBRUARY 2, 2022, AS WORLD WETLANDS DAY IN THE COUNTY OF MAUI"

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

Regular Meeting of November 5, 2021

I. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

NO. 22-16 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending December 2021.

NO. 22-17 - DIRECTOR OF FINANCE, reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the General Obligation Bonds Series 2022 Fund as of November 30, 2021.

NO. 22-18 - BUDGET DIRECTOR, transmitting a list of approved unbudgeted equipment requests for Fiscal Year 2022, from October 1, 2021 to December 31, 2021.

NO. 22-19 - DIRECTOR OF FINANCE, relating to the reallocation of a Purchasing Specialist II to Purchasing Specialist IV in the Department of Finance.

NO. 22-20 - DIRECTOR OF FINANCE, transmitting the annual report of all acquisitions made, and conveyances accepted, for calendar year 2021.

NO. 22-21 - DIRECTOR OF PUBLIC WORKS, transmitting a copy of the Cost Sharing Agreement for the construction of a traffic roundabout for the intersection of Maui Lani Parkway and Kamehameha Avenue, along with a copy of the check received from Maui Lani Partners for the agreed upon pro rata share contribution of \$610,340.

NO. 22-22 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging for the Nutrition Services Incentive Program in the amount of \$23,484.

NO. 22-23 - PROSECUTING ATTORNEY, transmitting a copy of the grant agreement from the State of Hawaii, Department of Transportation for the Maui Prosecutor's Office Impaired Driving program in the amount of \$63,413.50.

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**J. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

NO. 22-24 - CHAIR, INFRASTRUCTURE AND TRANSPORTATION COMMITTEE, transmitting a proposed amendment to the proposed resolution entitled "AUTHORIZING A GRANT OF EASEMENT FOR ACCESS AND UTILITY PURPOSES TO WAILELE RIDGE OF MAUI, LLC, AND THE ACCEPTANCE OF GRANTS OF EASEMENTS FOR ACCESS FROM WAILELE RIDGE OF MAUI, LLC AND MAUI LAND AND PINEAPPLE COMPANY, INC.".

NO. 22-25 - CHAIR, GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed amendment to the proposed resolution entitled "RELATING TO THE APPOINTMENT OF JOAQUIN FREITAS, JR. TO THE PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI".

NO. 22-26 - PLANNING DIRECTOR, transmitting the 2021 Annual Status Report on the Implementation of the Countywide Policy and Maui Island Plans.

NO. 22-27 - PLANNING DIRECTOR, transmitting the 2021 Annual Status Report on the Implementation of the Maui County Community Plans.

**2. GENERAL COMMUNICATIONS:**

NO. 22-1 - BRYAN ESMERALDA, SENIOR ASSOCIATE, MUNEKIYO HIRAGA, submitting a document entitled "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA", on behalf of Makena Golf & Beach Club Owners, in accordance with Condition 22 of Ordinance 3613.

NO. 22-2 - YUKINO UCHIYAMA, SENIOR ASSOCIATE, MUNEKIYO HIRAGA, submitting a document entitled "CHANGE IN ZONING ANNUAL COMPLIANCE REPORT FOR PARCEL H-2 (LOT 19) (TMK NO. (2) 2-1-005:085)", on behalf of H2R, LLC, in accordance with Condition 22 of Ordinance 3613.

**K. COMMITTEE REPORTS:**

NO. 22-2 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending the following:

1. **FIRST READING** of Bill 14 (2022) adopting the "Maui Island Water Use and Development Plan DRAFT" as an update to the County of Maui's Water Use and Development Plan, in accordance with Sections 14.02.020 and 14.02.040(3), Maui County Code;
2. **FILING** of communications; and
3. **FILING** of Committee Report 20-128.

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**K. COMMITTEE REPORTS (continued):****NO. 22-3 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of Resolution 22-8 approving the appointment of Kapono Kamaunu to the Maui County Cultural Resources Commission, for a term expiring on March 31, 2022.

**NO. 22-4 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of Resolution 22-9 approving the appointment of Joaquin Freitas, Jr. to the Public Works Commission, for a term expiring on March 31, 2024.

**NO. 22-5 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of Resolution 22-10 approving the appointment of Daniel Kanahale as a member to the South Maui Advisory Committee to the Maui Planning Commission.

**NO. 22-6 - HUMAN CONCERNS AND PARKS COMMITTEE:**

Recommending the following:

1. **FIRST READING** of Bill 15 (2022) to amend Section 13.04A.080, Maui County Code, relating to the alcohol prohibition for certain parks and recreational facilities within Historic Districts 1 and 2 in Lahaina; and
2. **FILING** of communication.

**NO. 22-7 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:**

Recommending **ADOPTION** of Resolution 22-11 to authorize the Mayor to grant a non-exclusive easement to Wailele Ridge of Maui, LLC over a portion of Hui Road "A," Kaanapali, Maui, Hawaii, for the installation of drainage and roadway improvements; and to accept grants of easements from Wailele Ridge of Maui, LLC and Maui Land and Pineapple Company, Inc., for improved pedestrian and vehicular access from Honoapi'ilani Highway to Hui Road "A," around and through the Wailele Ridge project site, Kaanapali, Maui, Hawaii.

**NO. 22-8 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:**

Recommending the following:

1. **REFERRAL** of Bill 16 (2022) amending Chapter 19.29, Maui County Code, to prohibit instruments of conveyance from restricting the growing and harvesting of any agricultural crop or product, to the Agriculture and Public Trust Committee; and
2. **FILING** of communications.

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**L. RESOLUTIONS:**

- NO. 22-12 "APPROVING THE APPOINTMENT OF KEONI SHIROTA AS PERSONNEL SPECIALIST IN THE OFFICE OF COUNCIL SERVICES"
- NO. 22-13 "NOMINATION OF MICHAEL L. WILLIAMS TO THE CHARTER COMMISSION FOR THE COUNTY OF MAUI"
- NO. 22-14 "RELATING TO THE APPOINTMENT OF EDWIN LINDSEY TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI"
- NO. 22-15 "AUTHORIZING ACCEPTANCE OF THE FRIENDS OF THE CHILDREN'S JUSTICE CENTER OF MAUI'S DONATION OF PAINT, PAINTING, CARPET, INSTALLATION, CABINETRY AND COUNTERTOPS TO THE COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE"
- NO. 22-16 "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS A PROPOSED BILL AMENDING CHAPTERS 19.18 AND 19.20, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN BUSINESS DISTRICTS"

**M. ORDINANCES:**

- BILL NO. 1 (2022) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE 4295 AND GRANTING MAUI DRAGON FRUIT FARM LLC A CONDITIONAL PERMIT TO OPERATE A GIFT SHOP AND CONDUCT SPECIAL EVENTS AT 833 PUNAKEA LOOP, LAHAINA, MAUI, HAWAII"
- BILL NO. 5 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, GOVERNMENT FACILITIES, BOND FUND, COUNTYWIDE FACILITIES MAINTENANCE PROGRAM; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 6 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, (COUNTYWIDE FACILITIES MAINTENANCE PROGRAM, COUNTYWIDE TRAFFIC AND SAFETY PROGRAM)"
- BILL NO. 7 (2022) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PUBLIC WORKS – COUNTYWIDE FACILITIES MAINTENANCE PROGRAM)"

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**M. ORDINANCES (continued):**

- BILL NO. 11 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, (STATE OF HAWAII – HOMEOWNER ASSISTANCE FUND)"
- BILL NO. 12 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, (STATE OF HAWAII – HOMEOWNER ASSISTANCE FUND)"
- BILL NO. 17 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT PRIVATE RESTRICTIONS ON SMALL-SCALE AGRICULTURAL USES AND THE KEEPING OF ANIMALS IN ANY RURAL DISTRICT"
- BILL NO. 18 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 19 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS"
- BILL NO. 20 (2022) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (OFFICE OF COUNTY COUNCIL – OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS)"
- BILL NO. 21 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO OUTDOOR LIGHTING FOR PROTECTION OF SEABIRDS"
- BILL NO. 22 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII JUDICIARY FOR A FOUR-YEAR AND ELEVEN MONTH LEASE OF 2,070 SQUARE FEET OF OFFICE SPACE AT 2103 WELLS STREET, WAILUKU, MAUI, HAWAII 96793"

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**M. ORDINANCES (continued):**

BILL NO. 23 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE BUILDING CODE RELATING TO ENERGY AND WATER USE PERFORMANCE BENCHMARKING"

BILL NO. 24 (2022) - "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE'S DEVELOPMENT STANDARDS IN THE B-2 COMMUNITY BUSINESS DISTRICT, B-3 CENTRAL BUSINESS DISTRICT, AND P-1 AND P-2 PUBLIC/QUASI-PUBLIC DISTRICTS"

**N. UNFINISHED BUSINESS:**

NONE.

**NOTE:** "BOARD PACKETS", AS DEFINED IN SECTION 92-7.5 OF THE HAWAII REVISED STATUTES, ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.

ITEMS LISTED ON THE AGENDA MAY BE ACCESSED AT [HTTPS://MAUICOUNTY.LEGISTAR.COM](https://mauicounty.legistar.com).

THIS ONLINE MEETING IS BEING CONDUCTED IN ACCORDANCE WITH THE GOVERNOR'S MOST RECENT EMERGENCY PROCLAMATION ON COVID-19. THE PROCLAMATION PARTIALLY SUSPENDS THE SUNSHINE LAW, AND MEETINGS CAN BE CONDUCTED WITHOUT IN-PERSON TESTIMONY. NOTHING SAID IN THE MEETING OR INCLUDED IN THE AGENDA IS INTENDED TO CREATE OBLIGATIONS IN EXCESS OF THOSE REQUIRED UNDER THE SUNSHINE LAW.

IF BLUEJEANS CONNECTIVITY AFFECTING QUORUM IS LOST, THE COUNCIL WILL BE IN RECESS. IT WILL NOT BE CONSIDERED A LOSS OF QUORUM UNLESS CONNECTIVITY CANNOT BE RESTORED WITHIN 30 MINUTES. IF THE BLUEJEANS CONNECTION IS PREMATURELY TERMINATED, FOR WHATEVER REASON, PLEASE LOG BACK INTO THE SAME LINK. IF CONNECTIVITY AFFECTING QUORUM CANNOT BE RESTORED WITHIN 30 MINUTES, THE MEETING WILL AUTOMATICALLY RECONVENE THE FOLLOWING TUESDAY AT 9:00 A.M., USING THE SAME VIRTUAL CONNECTIONS, UNLESS THE COUNCIL ANNOUNCES A DIFFERENT DATE AND TIME.

IF AKAKU PREMATURELY CEASES BROADCASTING THE MEETING, THE MEETING WILL CONTINUE VIA INTERACTIVE CONFERENCE TECHNOLOGY AND A RECORDING WILL BE SENT TO AKAKU TO BE INCLUDED WITH ARCHIVED MEETING VIDEOS.

ANYONE REQUESTING AN AUXILIARY AID OR SERVICE OR AN ACCOMMODATION DUE TO A DISABILITY SHOULD CONTACT THE OFFICE OF THE COUNTY CLERK AT LEAST THREE WORKING DAYS PRIOR TO THE MEETING DATE AT (808) 270-7748 OR [COUNTY.CLERK@MAUICOUNTY.US](mailto:COUNTY.CLERK@MAUICOUNTY.US).